IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.236 OF 2002.

Abdul Kadar Abdul Karim
Punjani : Appellant.

versus

Suresh Kumar Kaluram Punamiya : Respondent.

Mr.P.K.Dhakephalkar with Mr.S.T.Shaikh i/by S.K.Srivastava & Co. for the appellant.
Mr.R.C.Shah for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 08th September 2005.

ORAL ORDER

1. Heard advocates for the appellant and respondent. Lease period of the suit property expires on 1st July 2008. The appellant, who is in possession, has agreed and is ready to give an undertaking in that regard and the statement made by his advocate is accepted that the appellant

will vacate the premises and restore the possession of the said premises to the respondent in its original position as far as possible by and on 30th June 2008. The appellant will also give proper undertaking in this regard to the Registrar of this Court within two weeks from today and also the copy of the undertaking to the other side’s advocate.

2. So far as arrears of compensation is concerned, according to the counsel for the respondent, the appellant has not paid compensation from 1st December 1999 and the rate fixed is Rs.641/- per month. Therefore, the compensation calculated at the aforesaid rate for the aforesaid period shall be paid by the appellant in the following manner :-

. Rs.25,000/- [Rupees Twenty Five thousand] within three weeks from today directly to the respondent or deposit in Court with intimation to the respondent and remaining amount shall be paid by him within six months without fail. In addition, the appellant will go on paying the compensation at Rs.641/- per month from September 2005 till he vacates his premises. If there is

any default in payment of compensation, the appellant will pay interest at the rate of 15% p.a.. It is clarified that if the appellant fails to vacate the premises, as agreed above, the respondent will be entitled to get the premises back through the process of this Court without any further notice or opportunity to the appellant. The respondent to give no objection to the appellant for electric connection within three weeks from today. Statement of the appellant through his advocate is recorded that no-one-else is in possession of the suit property and the appellant has not created any third party rights in respect of the said premises till today nor he will do so in future. Appeal is disposed of.

[D.G.DESHPANDE,J]